

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
12 DEC -7 AM 11:58

UNITED STATES OF AMERICA

v.

ARMANDO GARCIA (01)

AMENDED JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *[Signature]* DEPUTY

Case Number: 10CR1642-MMA

Federal Defenders, Inc., Timothy Garrison

Defendant's Attorney

REGISTRATION NO. 95701012

☒ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

☒ pleaded guilty to count(s) ONE AND EIGHT OF THE INDICTMENT

☐ was found guilty on count(s) \_\_\_\_\_

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18 USC 371	CONSPIRACY TO COMMIT MAIL FRAUD	1
18 USC 1028A(a)(1)	AGGRAVATED IDENTITY THEFT	8

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) Remaining \_\_\_\_\_ is ☐ are ☒ dismissed on the motion of the United States.

☒ Assessment: \$200.00 TOTAL (CT:1 \$100.00, CT:8 \$100.00)

☒ Fine waived

☐ Forfeiture pursuant to order filed \_\_\_\_\_, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

MARCH 5, 2012

Date of Imposition of Sentence

*[Signature]*

HON. MICHAEL M. ANELLO  
UNITED STATES DISTRICT JUDGE

10CR1642-MMA

DEFENDANT: ARMANDO GARCIA (01)  
CASE NUMBER: 10CR1642-MMA

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Count 1 Fifty-Seven (57) Months and Count 8 Twenty-Four (24) Months to run consecutively for a total of Eighty-One (81) Months

☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).

☒ The court makes the following recommendations to the Bureau of Prisons:

COURT RECOMMENDS THE 500 HOUR DRUG TREATMENT PROGRAM (RDAP). COURT ALSO RECOMMENDS PLACEMENT IN THE DISTRICT OF CALIFORNIA OR ARIZONA.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .  
as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ \_\_\_\_\_  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ , with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

10CR1642-MMA

DEFENDANT: ARMANDO GARCIA (01)  
CASE NUMBER: 10CR1642-MMA

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
AS TO COUNT 1 THREE (03) YEARS

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

*For offenses committed on or after September 13, 1994:*

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backing Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

10CR1642-MMA

DEFENDANT: ARMANDO GARCIA (01)

CASE NUMBER: 10CR1642-MMA



### SPECIAL CONDITIONS OF SUPERVISION

- ☒ Submit person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☐ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer with 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion or voluntary departure.
- ☒ Attend gambling anonymous and not enter any casinos.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☐ Not reenter the United States illegally.
- ☒ May enter or reside in the Republic of Mexico without written permission of the Court or probation officer.
- ☒ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☒ Not engage in the employment or profession of an immigration consultant.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☐ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☒ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☐ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☒ Resolve all outstanding warrants within 60 days.
- ☐ Complete \_\_\_\_\_ hours of community service in a program approved by the probation officer within \_\_\_\_\_
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of \_\_\_\_\_
- ☐ Comply with the conditions of the Home Confinement Program for a period of \_\_\_\_\_ months and remain at your residence except for activities or employment as approved by the court or probation officer.
- ☒ Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.

DEFENDANT: ARMANDO GARCIA (01)  
CASE NUMBER: 10CR1642-MMA

+

### RESTITUTION

The defendant shall pay restitution in the amount of \$1,201,370.28 unto the United States of America.

This sum shall be paid        immediately.  
       as follows:

Pay restitution in the amount of \$1,201,370.28 through the Clerk, U.S. District Court, See Attached Victims List.

The Court has determined that the defendant        does        have the ability to pay interest. It is ordered that:

       The interest requirement is waived.

       The interest is modified as follows:

Last name	First name	Loss
Aceves-Carrillo	Miguel A	\$600.00
Aceves-Fernandez	Dr. Jose de Jesus	\$17,500.00
Almanzor-Ramirez	Ocsar	\$6,000.00
Amaral	Esteban	\$3,000.00
Arredondo and Maria Granados-Mireles	Alejandro	\$14,640.00
Avila-Canalez	Delmi	\$5,335.00
Avila-Juarez	Rogelio	\$7,775.00
Avila-Rubio	Carlos	\$6,160.00
Aviles-Peralta	Emilio	\$9,360.00
Ayala	Carlos	\$14,000.00
Barajas-Navarro	Elisa and Sandra	\$13,393.00
Barajas-Navarro and Roberto Ibarra	Maria de Jesus	\$20,000.00
Barajas-Navarro	Juana Erendira	\$7,000.00
Barba	Carlos	\$7,000.00
Becerra, and Norma Guerrero	Jose	\$9,000.00
Benavides-Valcarcel	Luis Andres	\$9,150.00
Benitez and Teresa Alejandres-Mendoza	Eduardo	\$11,550.00
Benitez	Carlos	\$6,100.00
Benitez	Jorge A	\$9,200.00
Berriel-Valerio	Janneth Patricia	\$4,600.00
Berriel-Valerio	Patricia	\$5,760.00
Bueno-Sanchez	Carlos	\$4,000.00
Calleja-Alderete	Eduardo	\$3,300.00
Camacho-Farias	Luis Fernando	\$5,400.00
Canedo-Gastelum	Hector	\$9,350.00
Casillas	German	\$5,400.00
Castillo-Arredondo	Hugo Alejandro	\$4,575.00
Cendejas	Irma Selma	\$3,500.00
Chavarria-Magallon	Donovan	\$5,465.00
Chavez	Juan	\$6,000.00
Chavira-Gonzalez	Omar	\$4,000.00
De La Torre-Oviedo	Manuel A.	\$6,475.00
Dominguez and Susana Ramirez-Arroyo	Enrique	\$6,200.00
Esquivel-Garcia and Maria del Carmen Santana-Gallegos	Marco Antonio	\$20,500.00
Estrada	Jose Luis	\$10,350.00
Galvan	Cesar	\$7,500.00
Garcia-Barocio	Patricia	\$5,585.00
Gomez de la Torre	Osvaldo Rafael	\$3,105.00
Gomez-Corona	Maria Mercedes	\$4,755.00
Gomez-Galicia	Sergio	\$5,800.00
Gomez-Galicia	Luis Arturo	\$8,500.00
Gonzalez	Manuel	\$4,200.00
Gonzalez-Sepulveda	Lilia	\$4,730.00
Guerrero	Adan	\$9,750.00
Guerrero	Ofelia	\$8,375.00
Guerrero	Marcelo	\$9,750.00
Guerrero and Micaela Graciano	Julian	\$28,160.00
Guerrero and Maria Porfirio	Jose	\$12,500.00
Guzman-Espinoza and Magdalena Espinoza	Concepcion	\$21,680.00
Hernandez	Maria	\$4,505.00
Hernandez	Delores Gloria	\$22,700.00
Hernandez-Garcia	Elizabeth A	\$6,280.00
Herrera-Vera	Rodrigo	\$4,940.00
Icea	Carlos Arturo	\$9,300.00
Limon-Tirado	Luis Eduardo	\$1,900.00
Lopez	Marco Antonio	\$7,310.00
Lopez	Maria Esther	\$8,095.00
Lopez	Jose	\$17,500.00
Lopez-Arroyave	Fernando	\$5,030.00
Lopez-Morales	Joaquin	\$5,505.00
Lopez-Ramirez and Fidel Sanchez-Martinez	Gabriela	\$6,000.00
Lora-Gonzalez	Julio Cesar	\$200.00
Madrazo-Rico	Carlos Alberto	\$7,000.00
Martinez-Cabrera and Amalia Martinez	Marcelo	\$18,500.00
Martinez-Cotera	Arturo	\$9,360.00
Martinez-Galvan	Eslai	\$5,000.00
Martinez-Ramirez	Jesus	\$10,000.00
Matsuo Albor	Celia Deyanira	\$1,200.00

Mendez	Bernardita Lourdez	\$5,300.00
Mendez-Lopez	Francisco J.	\$5,440.00
Mendez-Mier y Teran	Luis Miguel	\$3,620.00
Mendoza-Romero and Maria Guadalupe Betancourt	Isaias	\$23,300.00
Meza-Villarreal and Fernando Ortega-Amezquita	Maria Elizabeth	\$5,715.00
Meza-Villarreal	Verenice	\$10,185.00
Mojica-Lina	Gerardo	\$5,300.00
Mondragon	Mirsha Sharone	\$9,000.00
Morales	Jenny	\$7,000.00
Moreno-Cabral	Sonia	\$4,350.00
Moreno-Quintero	Juan	\$10,820.28
Munoz and Jorge Ruiz-Alcantara	Antonia del Rosario	\$6,570.00
Muro-Rosales	Javier	\$6,000.00
Muro-Rosales	Tomas	\$9,000.00
Navia	Raquel	\$10,465.00
Neri	Maria de los Angeles	\$2,000.00
Nolasco-Loeza	Sara	\$5,850.00
Ocampo-Cerezo	Silvano	\$5,800.00
Ochoa-Vargas	Leticia	\$7,270.00
Ochoa-Vargas	Gonzalo	\$6,430.00
Olguin-Espinoza and Concepcion Cuerva	Guillermo	\$20,750.00
Orozco	Juan Carlos	\$6,340.00
Ortiz-Barrios and Lucia Najar Gutierrez	Antonio	\$2,500.00
Padron	Eva	\$5,000.00
Pale-Robles	Aldo	\$5,000.00
Palma	Nolberto	\$5,600.00
Pelayo	Antonio and Rosa	\$24,370.00
Perez and Benita Mendoza	Abraham	\$16,000.00
Perez-Guerrero	Igancio	\$10,740.00
Perez-Mendoza	Patricia	\$7,600.00
Perez-Mendoza	Isaac	\$7,700.00
Perez-Perez and Lucia Reyna-Hernandez	Eusebio	\$32,000.00
Piedrahita	Maria	\$4,150.00
Porfirio and Alicia Gonzalez	Efrain	\$16,600.00
Porfirio-Bueno	Alexander	\$5,372.00
Porfirio-Zepeda and Silvestre Lopez-Rubalcava	Bernarda	\$4,740.00
Porfirio-Zepeda	Leticia	\$4,000.00
Prado-Sanchez	Jose "Manuel"	\$14,000.00
Ramirez	Bonifacio	\$6,855.00
Ramirez-Ochoa	Maria Gabriela	\$12,000.00
Ramos	Ramon	\$6,825.00
Reyes-Hernandez	Abraham	\$9,000.00
Reyes-Hurtado and Antonia Palma-Nicasio	Rodrigo	\$41,720.00
Reyes-Palma	Nancy	\$6,400.00
Reyes-Palma	Zorayda	\$6,400.00
Rivera	Consuelo	\$11,595.00
Robles-Lopez	Jorge Luis	\$6,200.00
Rodriguez-Hermosillo	Gladys Isela	\$8,000.00
Rodriguez-Lopez	Cecilia	\$5,000.00
Rodriguez-Lopez	Samuel	\$11,580.00
Rojas-Martinez	Gilberto	\$2,700.00
Ruiz-Gutierrez	Jorge Enrique	\$7,000.00
Salas-Lopez and Leana Mildred Robles	Jose Guadalupe	\$6,000.00
Sanchez-Martinez and Gabriela Lopez-Ramirez	Fidel Arturo	\$6,000.00
Santiago	Alejandro	\$6,065.00
Santiago-Hernandez	Ismael	\$5,100.00
Solian and Dulce Santillan	Miguel	\$14,720.00
Sosa-Loeza	Sinet	\$5,850.00
Soto	Gabriela	\$5,965.00
Uriarte	Mirna	\$7,500.00
Uribe-Martinez	Olivia Adela	\$3,100.00
Vasquez	Ruben	\$5,000.00
Vasquez-Antonio	Emiliano	\$10,500.00
Vazquez and Maria Xotchil Lopez	Jose A	\$16,560.00
Villa-Solorzano	Manuel	\$7,500.00
Villegas-Reyes	Mizrain	\$7,430.00
Wijethunga	Dona Shirani	\$7,500.00
Zaragoza-Mendez	Alma Lilia	\$9,000.00
Zarate	Eduardo	\$3,800.00

Zarazua-Resendiz	Roberto	\$8,555.00
Zubiate	David A	\$7,400.00
Paz	Omar	\$2,470.00
Heredia-Hernandez	Hilda	\$5,850.00
<b>TOTAL</b>		<b>\$1,201,370.28</b>